

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

KATHY PHILLIPS,

Defendant and Appellant.

2d Crim. No. B272391
(Super. Ct. No. LA080529-01)
(Los Angeles County)

Kathy Phillips appeals judgment of conviction after she pled guilty to assault upon a peace officer. (Pen. Code, § 245, subd. (c).)¹

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, she filed an opening brief in which no issues were raised.

On August 15, 2016, we advised appellant that she had 30 days within which to personally submit any contentions or

¹ All further statutory references are to the Penal Code, unless otherwise indicated.

issues she wished us to consider. We have received no response from appellant.

The record reflects that Phillips struck a Los Angeles County Sheriff's Department deputy with a pair of scissors, cutting his shirt and bulletproof vest. The People charged Phillips with one count of assault on a peace officer. (§ 245, subd. (c).) The People alleged Phillips suffered two or more serious and/or violent felony convictions qualifying as strikes (§§ 1170.12, 667, subds. (b)-(j)), and a prior serious felony conviction (§ 667, subd. (a)(1)).

Phillips initially pled not guilty and denied all allegations. She filed a motion to “strike her prior strike and prison priors,” which the court denied. She then changed her plea to guilty, pursuant to a plea agreement with the People. She admitted the prior serious felony allegation and a strike prior. The trial court found a factual basis for the plea and found that Phillips expressly, knowingly, understandingly, and intelligently waived her constitutional rights.

The trial court sentenced Phillips to 11 years in state prison, calculated as the base term of three years on the assault charge (§ 245, subd. (c)), doubled to six years due to the strike prior (§ 667, subd. (e)(1)), and an additional five years for a prior felony conviction (§ 667, subd. (a)(1)). It also imposed a restitution fine of \$300 (§ 1202.4, subd. (b)), a \$40 court operations assessment (§ 1465.8, subd. (a)(1)), and a \$30 criminal conviction assessment (Govt. Code, § 70373). It imposed, and stayed, a parole restitution fine of \$300 (§ 1202.45, subd. (a)). The trial court gave Phillips 688 days of custody credits.

Phillips timely appealed. The notice of appeal states that the appeal “is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea.”

We have reviewed the entire record and are satisfied that appellant’s attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Richard Kirschner, Judge

Superior Court County of Los Angeles

Lenore De Vita, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.